

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DAVID J. ANDERSON,

Petitioner,

vs.

ROBERT HOUSTON,

Respondent.

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4:05cv3199

MEMORANDUM AND ORDER

Before the court is filing no. 17, the Motion to Dismiss, in which the petitioner, David J. Anderson, with the advice of counsel, requests that the court dismiss the above-entitled habeas corpus case without prejudice. The court will grant the requested voluntary dismissal without prejudice. However, the petitioner is reminded that his ability to return to this court in the future may be circumscribed by 28 U.S.C. § 2244(d), the statute of limitations for habeas corpus actions brought pursuant to 28 U.S.C. § 2254.

THEREFORE, IT IS ORDERED:

1. That filing no. 17, the petitioner's motion for voluntary dismissal, without prejudice, is granted;
2. That all other pending motions are denied as moot; and
3. That a separate judgment will be filed accordingly.

DATED this 5th day of December, 2005.

BY THE COURT:

s/Laurie Smith Camp
Laurie Smith Camp
United States District Judge